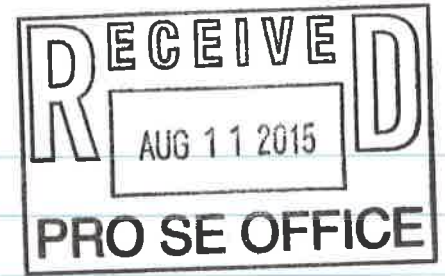


ALBERTO VINCENT BARRIERA
M.D.C. BROOKLYN
80 29TH ST
BROOKLYN, NY 11232



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION

ALBERTO VINCENT BARRIERA
PLAINTIFF

15CV 6342

V.

VA DEPT OF CORRECTIONS
ST. BRIDE'S CORRECTIONAL FACILITY
WATCH COMMANDER CAPT LITTLE
INVESTIGATOR SKYLER
SGT. EVERETT
OFFICER HAWKE
FEDERAL MARSHALL SERVICE
FEDERAL MARSHALL JANE DOE
FEDERAL MARSHALL JOHN DOE
DEFENDANTS

COME'S NOW THE PLAINTIFF ALBERTO VINCENT BARRIERA
PRO SE AND HEREBY FILE'S A REQUEST FOR A CIVIL COURT MOTION
AGAINST THE ABOVE MENTIONED DEFENDANTS IN A PROFESSIONAL
AND PERSONAL CAPACITY. PLAINTIFF ASKS THE COURT TO SET A HEARING
DATE AS SCHEDULE ALLOW'S AND TO BE AWARE THAT PLAINTIFF IS
CURRENTLY IN FEDERAL CUSTODY.

APPLICABLE DETAILS REGARDING THIS ACTION WILL BE IN
THE BRIEF WITHIN.

PLAINTIFF ALBERTO VINCENT BARRIERA COMES BEFORE THE CIVIL DIVISION IN THE SOUTHERN DISTRICT OF NEW YORK WITH ACTION ON THE DEFENDANT'S

PLAINTIFF INTENDS TO PROVIDE DEFINITIVE EVIDENCE AND INFORMATION STATING THAT THE DEFENDANT'S CAUSED UNDUE NEGLIGENCE AND PHYSICAL HARM TO THE PLAINTIFF IN WHICH HE COULD NOT PERFORM REGULAR DUTIES IN LIFE.

TAKE NOTICE THAT PLAINTIFF ALBERTO VINCENT BARRIERA IS COMMENCING AN ACTION UNDER RULE 3 AND SAID ACTION SHALL BE FILED WITH THE COURT.

INCLUDED IN THIS MOTION IS THE COVERSHEET WHICH IS MANDATED BY LAW.

I UNDERSTAND THAT FAILURE TO INCLUDE SUCH A COVERSHEET WITH THE COMPLAINT WOULD DELAY FILING.

RESEARCH GUIDE AN JUR-323 AM JUR
2ND FEDERAL COURT'S 2045

RULE 5 SERVICE TO DEFENDANT'S PLEADING

DISCOVERY LATER. DEMAND FOR THE JUDGEMENT ALL
SERVICE MOTION COMPLETE.

Brief in Scale

GROUND AND SUPPORTING FACTS:

ON Sept 25, 2014 I THE PLAINTIFF ALBERTO VINCENT BARRIERA WAS BEING RELEASED FROM ST. BRIDE'S CORRECTIONAL FACILITY IN CHESAPEAKE, VA, WHILE UNDER THE CARE AND CUSTODY OF THE VIRGINIA DEPARTMENT OF CORRECTIONS AND WARDEN OF ST. BRIDE'S APPROX BETWEEN 8:30 AM + 10:00 AM WHILE BEING DISCHARGED I WAS CALLED TO THE BOOTH SIGNED OUT, WAS HANDED MY DRIVER'S LICENSE THEN SEARCHED AND SHACKLED BY THE FEDERAL MARSHALL'S WHO AT THAT POINT HAD SIGNED ALL PAPERWORK AND TAKEN CUSTODY OF ME. WHEN I, THE PLAINTIFF TURNED AROUND TO TRY AND PICK UP MY PROPERTY BOX, WHICH CONTAINED MY GLASSES AND LEGAL WORK, AS WELL AS PERSONAL PROPERTY, OFFICER HAWKE STEPPED IN FRONT OF ME AND TOLD ME I COULD NOT TAKE MY PROPERTY, I STATED FINE. BUT I NEED MY GLASSES AND LEGAL PAPER'S FOR COURT. AT WHICH POINT HE STEPPED CLOSE TO MY FACE AND STATED BE QUIT, ^{AND} SAID YOUR NOT GETTING NOTHING, I LOOKED OVER AT THE MARSHALL'S AND FURTHER EXPLAINED I NEED MY GLASSES AND LEGAL WORK FOR COURT. HE BECAME INTOLERANT AND ATTACKED ME ALTHOUGH I WAS IN FEDERAL CUSTODY SHACKLED AND NOT A THREAT TO ANYONE. I WAS THROWN TO THE GROUND AT WHICH TIME OFFICER HAWKE PLACED HIS KNEE ON MY NECK AS I CRYED OUT TO THE MARSHALL'S FOR HELP HE PUNCHED ME IN THE MOUTH AND KNOCKED MY TEETH OUT, BY THEN SARGENT EVERETT JUMPED IN ALTHOUGH I WAS NOT BEING COMBATIVE AND STOMPED ON MY LEFT KNEE WHILE GRABBING MY RIGHT ANGLE AND TWISTING IT I COULD NOT BREATHE AND SAID SO, TO SHUT ME UP OFFICER HAWKE PLACED HIS KNEE FROM MY NECK TO MY JAW I ONCE AGAIN CALLED OUT FOR HELP FROM BOTH MARSHALL'S WHO FAILED TO INTERVENE OR PROHIBIT THIS PHYSICAL ATTACK THEY WATCHED FOR SEVERAL MINUTES AS THE ATTACK BEGAN AND DID NOT INTERVENE THE ENTIRE TIME. ALTHOUGH I ASKED FOR THERE HELP NUMEROUS TIMES.

BRIEF CONTINUATION:

CAPTAIN LITTLE THE WATCH COMMANDER, AND INVESTIGATOR SKYLER WERE CALLED AT WHICH TIME THEY ALL STARTED DISCUSSING REASONS TO JUSTIFY OFFICER HAWKE'S AND SARGENT EVERETT'S ACTIONS.

I WAS HURT ASKING FOR HELP WHEN CAPTAIN LITTLE GAVE THE ORDER FOR ME TO BE PUT IN THE TRANSPORT VEHICLE.

INVESTIGATOR SKYLER PULL OUT A CAMERA AND TOOK PICTURES OF MY HANDS BACKED UP FAR AND TOOK PICTURES OF MY ^{FACE} AND SAID WE'RE DONE.

I WAS SEVERELY INJURED AND WAS FORCED INTO THE TRUCK AND TRANSPORTED ALTHOUGH I STATED I NEEDED MEDICAL ATTENTION BOTH MARSHALL'S IGNORED MY PLED FOR HELP.

BRIEF CONTINUATION:

- ① VIOLATION'S OF THE UNITED STATE'S CONSTITUTION 14TH AND 8TH AMENDMENTS, AS WELL AS 5TH
- ② THE PLAINTIFF WAS IN SEVERE PAIN, EXCRUCIATING PAIN THROUGHOUT HIS ENTIRE BODY.
- ③ PLAINTIFF ASKED MARSHALL'S FOR MEDICAL HELP AND WAS DENIED MEDICAL TREATMENT.
- ④ PLAINTIFF WAS NOT SEEN BY MEDICAL STAFF WHILE UNDER THE CUSTODY OF THE MARSHALL'S ALTHOUGH I ASKED TO BE TAKEN TO THE HOSPITAL.
- ⑤ BECAUSE I WAS NOT TAKEN TO A HOSPITAL, I WAS NOT GIVEN ANY PAIN MEDICATION FOR INJURIES.
- ⑥ PLAINTIFF WAS HAVING PANIC ATTACK'S WAS AFRAID FOR HIS LIFE.
- ⑦ PLAINTIFF HAS PROBLEMS SLEEPING DUE TO ASSAULT, WAKES UP CRYING AND CONFUSED AFRAID TO GO BACK TO SLEEP PLACED IN MENTAL HEALTH UNIT
- ⑧ PLAINTIFF IS GOING THROUGH MAJOR DEPRESSION AND PARANOIA DUE TO INCIDENT.
- ⑨ PLAINTIFF HAS DEVELOPED POSSIBLE PTSD PLAINTIFF HAS FLASHES OF THE ASSAULT RECURRING.

BRIEF CONTINUATION:

- (10) PLAINTIFF IS PARANOID IN CONSTANT FEAR OF CONTACT WITH OFFICER'S PLAINTIFF FEAR'S BEING SHACKLED IT LEAVES PLAINTIFF FEELING WITHDRAWN, VULNERABLE, OFTEN SECLUDED.
- (11) KNEE HAS TOTAL LOSS OF CARTILAGE AND HAD SWELLING PLAINTIFF NOW WEARS KNEE BRACE BECAUSE OF BEATING HE RECEIVED, HAS BONE TENDINITIS. (TAKING PAIN MEDICATION.)
- (12) ANKLE HAD MAJOR SWELLING DIFFICULTY WALKING (CANE REQUIRED) IN CONSTANT PAIN. (TAKING PAIN MEDICATION.)
- (13) ELBOW AND FOREARM IN CONSTANT PAIN BONE TENDINITIS.
- (14) REPEATED CHEST PAINS ON A REGULAR BASIS ALONG WITH SEVERE RESPIRATORY ISSUES.
- (15) LACK OF NUTRITION DUE TO LOSS OF APPETITE AND WEIGHT LOSS.
- (16) EYE SIGHT DETERIORATION.
- (17) STIFF NECK UNABLE TO MOVE LIKE BEFORE BEATING.
- (18) CONSTANT RINGING IN EAR HARD TO HEAR CAUSING THE MEDICAL RESULT OF TINNITUS.
- (19) LEGAL WORK AND PERSONAL PROPERTY WERE DESTROYED VIOLATION OF DUE PROCESS. ALTHOUGH FAMILY MEMBERS CONTINUED TO CALL FACILITY FOR PICKUP.

- (20) Tongue WAS Swollen and numb unable to EAT
due to lost of 2 TEETH.
- (21) UNABLE TO CARRY HEAVY load's DUE TO lower back problem's
From BEATING
- (22) WAS UNABLE TO WALK ALONE Needed A cane AS well AS
ASSISTANCE. For meal's AS well AS hygiene purpose's.
- (23) on constant pain medication's
- (24) constant Nerve pain ON BOTH Feet AND leg's.
- (25) deliberate indifference. For standing by AND NOT
INTERVENE in an illegal BEATING.

I THE PLAINTIFF ALBERTO VINCENT BARRIERA DECLARE UNDER PENALTY
OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

EXECUTED ON:

8/4/15

Alberto V. Barrera
ALBERTO VINCENT BARRIERA

RELIEF SUMMARY:

WHEREFORE PLAINTIFF PRAYS THAT THE COURT GRANT PETITIONER RELIEF IN THE FOLLOWING

ACTUAL DAMAGES: TEN MILLION DOLLARS PER DEFENDANT WHICH CAUSED ECONOMIC LOSS.

EMOTIONAL DISTRESS TWENTY MILLION PER DEFENDANT WHICH CAUSED PHYSICAL IMPAIRMENT AND PAIN AND SUFFERING

PUNITIVE DAMAGES FIFTY MILLION PER DEFENDANT WHICH CAUSE PERMANENT DISFIGUREMENT.

THE FOLLOWING DEFENDANTS ARE BEING SUED IN THERE PROFESSIONAL AND PERSONAL CAPACITY.

VA. DEPT OF CORRECTIONS
ST. BRIDE'S CORR. FACILITY
CAPT. LITTLE (WATCH COMMANDER)
INVESTIGATOR SKYLER
SGT. EVERETT
OFFICER HAWKE
FEDERAL MARSHALL SERVICE
FEDERAL MARSHALL JANE DOE
FEDERAL MARSHALL JOHN DOE

DEFENDANTS.

PLAINTIFF SEEKS JUSTICE BY BRINGING THIS
LEGAL ACTION.

ALBERTO VINCENT BARRERA

PLAINTIFF, PRO SE
alberto V Barrera

COURT MUST INCLUDE RULE PROVISIONS IN THE FEDERAL SYSTEM PARTIES TO A CIVIL SUIT FOR DAMAGES ARE ENTITLED TO A JURY TRIAL UNDER THE 7TH AMENDMENT THE 7TH AMENDMENT APPLIES TO ALL CIVIL RIGHTS ACTIONS FOR DAMAGES THE PLAINTIFF MR. BARRIERA WILL BE ASKING FOR INJUNCTIVE RELIEF FROM THE DEFENDANTS VA. DEPT OF CORR ST. BRIDE'S CORR FACILITY, WATCH COMMANDER CAPT LITTLE. INVESTIGATOR SKYLER, SGT EVERETT OFFICER HAWKE. FEDERAL MARSHALL SERVICE, FEDERAL MARSHALL - JANE DOE, FEDERAL MARSHALL JOHN DOE, AND SIMILAR RELIEF DUE TO THE FACT THAT IT IS NOT AN EQUITY SUIT.

THE PLAINTIFF ALSO UNDERSTANDS THAT A CIVIL SUIT ALL STARTS WITH A COMPLAINT WHICH IS INCLUDED IN THIS PACKET AND THAT THE DEFENDANTS NOW HAVE TO FILE AN ANSWER OR A MOTION TO DISMISS ON THE GROUNDS THAT THE COMPLAINT FILED BY THE PLAINTIFF MR ALBERTO V BARRIERA DOES NOT CONSTITUTE ANY WRONG DOING.

Alberto V. Barriera
Alberto V. Barriera

PLAINTIFF PRO SE

EXECUTED ON:

8/4/15

(COVER SHEET)

CLERK CIVIL DIVISION
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. ALBERTO VINCENT BARRIERA
M.D.C. BROOKLYN
80-29TH ST
BROOKLYN N.Y.
11232

PLAINTIFF

V.

VA. DEPT OF CORRECTIONS
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WATCH COMMANDER CAPT LITTLE
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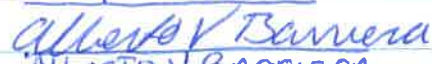
DEFENDANTS

SIR/MADAM

PLEASE ACCEPT AND FILE THE FOLLOWING CLAIM IN YOUR COURT.
I AM THE PLAINTIFF IN THIS LITIGATION AND REQUEST COPIES BE
SERVED IN TRIPPLICATE TO THE DEFENDANTS LISTED ON THE FOLLOWING
PAGE IN MY BRIEF. PLACE ON RECORD THAT I AM INCARCERATED
AND WOULD ASK THE COURT TO WAIVE ALL FILING FEES.

DATE 8/4/15


WITNESS

RESPECTFULLY

ALBERTO V BARRIERA
PLAINTIFF, PRO SE

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Plo SE

8/11/15 OK

CLERK CIVIL DIVISION
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK CITY, N.Y. 10007



LEGAL-MAIL

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